

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:10CR44 |
| |) | |
| vs. |) | ORDER |
| |) | |
| LINDA SWAIN-ARMSTRONG, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the defendant Linda Swain-Armstrong's motion to continue trial made during the Rule 17.1 conference on July 21, 2010. **See** Filing No. 20. The additional time was requested to allow defendant's expert adequate time to review records and prepare a report. The government had no objection. Swain-Armstrong has filed an affidavit wherein she agrees to the motion and understands the additional time will be excluded under the computations of the Speedy Trial Act (Filing No. 22). The motion will be granted.

IT IS ORDERED:

1. The motion to continue trial is granted.
2. Trial of this matter is re-scheduled for **January 3, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 21, 2010 and January 3, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 2nd day of August, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge